



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 2, 1993

Mr. Mark E. Dempsey
Assistant City Attorney
City of Garland
P.O. Box 469002
Garland, Texas 75046-9002

OR93-404

Dear Mr. Dempsey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 20306.

The City of Garland (the "city") has received a request for the Garland Police Department Hostage/Barricaded Person Policy in effect on June 14, 1991.¹ You contend the requested information is excepted from required public disclosure under section 3(a)(8) of the Open Records Act.

Section 3(a)(8) excepts

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

The test for determining whether records, other than those relating to active investigations, are excepted from public disclosure under section 3(a)(8) is whether release of the records would unduly interfere with the prevention of crime and the enforcement of the law. Open Records Decision No. 553 (1990) at 4 (and cases cited therein). A governmental body claiming the "law enforcement" exception must reasonably explain how and why release of the requested information would unduly interfere with law enforcement and crime prevention. Open Records Decision No. 434 (1986) at 2-3.

¹We note that you state that the Garland Police Department Deadly Force Policy that was requested has already been released.

The city asserts that release of the requested information would unduly interfere with law enforcement and crime prevention "because its disclosure would alert the public to the tactics used and information sought by law enforcement officers in [certain situations]. This information would or could arm an offender with sufficient knowledge to effectively thwart the law enforcement efforts to effectively resolve the situation." We have reviewed the documents submitted for our consideration. Because the city has demonstrated the possibility that the release of the information would unduly interfere with law enforcement, you may withhold the requested information from public disclosure under section 3(a)(8) of the Open Records Act. *See* Open Records Decision No. 531 (1989) (use of force guidelines were withheld from public disclosure where they included guidelines for police officers confronted by violence or threatened violence).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Mary R. Crouter
Assistant Attorney General
Opinion Committee

MRC/LBC/jmn

Ref.: ID# 20306

cc: Mr. Kenneth F. Nye
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